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COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

PETITION OF

CASE NO. PUE-2002-00249

MONTVALE WATER, INC.

For declaratory judgment

HEARING EXAMINER'S RULING

August 21, 2002

On May 2, 2002, Montvale Water, Inc. ("Montvale" or "Company") filed a Petition for Declaratory Judgment in which it requested that the Commission rule on whether Woodhaven Nursing Home ("Woodhaven") has the right to supply customers, other than its existing nursing home facility, with water. On May 22, 2002, the Commission issued an Order Inviting Response providing Woodhaven an opportunity to file a response to the Petition and Montvale to file a reply to any response. Woodhaven filed its response on June 4, 2002; no reply was filed by Montvale.

On July 19, 2002, the Commission issued an order in which, among other things, it scheduled the matter for hearing, established a procedural schedule for the filing of prepared testimony and exhibits, and assigned the matter to a hearing examiner. On August 19, 2002, counsel for the parties filed a Motion for Continuance. In support of the Motion, counsel state that they need additional time to complete discovery and file testimony and exhibits, and have agreed to a new hearing date of October 22, 2002.

I am of the opinion, and so find, that the Motion for Continuance should be granted. Accordingly,

IT IS DIRECTED:

(1) That the hearing on this matter, currently scheduled for September 16, 2002, is hereby continued until 10:00 a.m. on October 22, 2002, in the Commission's Courtroom, Second Floor, Tyler Building, 1300 East Main Street, Richmond, Virginia;

(2) That, on or before September 20, 2002, Montvale shall file an original and fifteen (15) copies of any testimony and exhibits it intends to offer in support of its Petition at the October 22, 2002, hearing, with the Clerk of the Commission c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218, and shall refer to Case No. PUE-2002-00249;

(3) That, on or before October 4, 2002, Woodhaven shall file an original and fifteen (15) copies of any testimony and exhibits it intends to offer at the October 22, 2002, hearing, with the Clerk of the Commission, at the address set forth above; and

(4) That, on or before October 15, 2002, Montvale shall file with the Clerk of the Commission an original and fifteen (15) copies of any rebuttal testimony.

Deborah V. Ellenberg
Chief Hearing Examiner